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February 4, 2008

Hon. Claudia Wilkin
Department 2; 4th Floor
USDC - Northern District - Oakland Division
1301 Clay Street, #400 S
Oakland, CA 94612-5212

Re: Thomas v. The Walt Disney Company
Case No. CV 07-04392 CW
Our File No: 15393

Dear Judge Wilkin:

The following cases hold that ideas are not within the scope of the Copyright Act, and therefore cannot be preempted. *Whitfield v. Lear*, 582 F.Supp. 1186, 1188-1189 (E.D. NY 1984) reversed on other grounds 751 F.2d 90 (9th Cir. 1984) (holding that California state law claims of breach of implied contract and confidential relationship are not preempted where plaintiff alleged infringement of non-copyrightable ideas); *Warrington Associates, Inc. v. Real-Time Engineering Systems, Inc.* 522 F.Supp. 367, 368-369 (D.C.Ill., 1981) (trade secret misappropriation claims cannot be preempted because ideas are not protected by Copyright Act); *Bromhall v. Rorvik*, 478 F.Supp. 361, 366 (E.D. Pa 1979) (state law claim not preempted because ideas not within scope of (Copyright Act)).

Respectfully submitted;

ARCHIE S. ROBINSON

ASR:lr

cc: Evette D. Pennypacker (via email)